

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
CINCINNATI DIVISION

PATRICK BROOKS, *et al.*, : Case No. 1:21-cv-665  
Plaintiffs, : Judge Dlott

v. :  
BUTLER COUNTY, *et al.*, :  
Defendants. :  
\_\_\_\_\_

**ORDER GRANTING PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING ORDER IN PART**

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The Court hereby grants Plaintiffs' Motion for a Temporary Restraining Order requesting that this Court enjoin "any and all decisions and variances that Butler County, Alan Daniel, and the Butler County Board of Zoning Appeals issued at the February 16, 2021 hearing..." in part. The variances issued by the Butler County Board of Zoning Appeals relating only to application BZA21-08V for CD DG Germantown LLC for the property located at 8383 Keister Rd., Middletown, OH 45042 ("the Property"), on February 16, 2021, and any subsequent building, zoning, or occupancy permits issued to effectuate the variances are hereby enjoined. Specifically, the following variances:

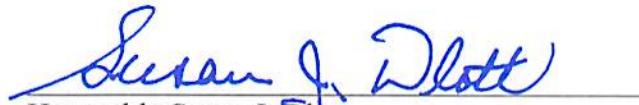
- 1.) The variance allowing more than ten percent parking in the front yard of the Property;
- 2.) The variance waiving the landscaping requirement;
- 3.) The variance reducing the front yard setback requirement;
- 4.) The variance reducing the number of parking spaces required; and

5.) The variance waiving the setback requirement on parking lots.

All building and permit activity which does not relate to the aforementioned variances shall remain permitted on the Property and shall not be so enjoined by grant of this Order.

For good cause, this Order will remain in effect for twenty-eight days until November 17, 2021 so that the matter can be fully briefed and ruled upon as a Motion for Preliminary Injunction.

IT SO ORDERED.



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Honorable Susan J. Dlott  
United States District Court